FILED
2011 Oct-20 PM 02:35
U.S. DISTRICT COURT
N.D. OF ALABAMA

ALABAMA SJIS CASE DETAIL

alacourt.com

DODSON **PREPARED FOR: Courtney Williams**

County: **58** Case Number: **CV-2011-900757.00** Court Action:

Style: **MARY RICE V. PORTFOLIO RECOVERY ASSOCIATES, LLC ET AL**

REAL TIME

Case Action Summary - CV201190075700

Date:	Time	Code	Comments	Operator
08/14/2011	3:45:57	EFILE	COMPLAINT E-FILED.	PHI053
08/14/2011	3:47:10	FILE	FILED THIS DATE: 08/14/2011 (AV01)	AJA
08/14/2011	3:47:11	EORD	E-ORDER FLAG SET TO "N" (AV01)	AJA
08/14/2011	3:47:12	ASSJ	ASSIGNED TO JUDGE: WILLIAM H BOSTICK III (AV01)	AJA
08/14/2011	3:47:13	SCAN	CASE SCANNED STATUS SET TO: N (AV01)	AJA
08/14/2011	3:47:14	TDMJ	JURY TRIAL REQUESTED (AV01)	AJA
08/14/2011	3:47:15	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)	AJA
08/14/2011	3:47:16	ORIG	ORIGIN: INITIAL FILING (AV01)	AJA
08/14/2011	3:47:17	C001	C001 PARTY ADDED: RICE MARY (AV02)	AJA
08/14/2011	3:47:18	ATTY	LISTED AS ATTORNEY FOR C001: PHILLIPS WESLEY LEVO	AJA
08/14/2011	3:47:19	EORD	C001 E-ORDER FLAG SET TO "N" (AV02)	AJA
08/14/2011	3:47:22	D001	D001 PARTY ADDED: PORTFOLIO RECOVERY ASSOCIATES, L	AJA
08/14/2011	3:47:23	ATTY	LISTED AS ATTORNEY FOR D001: PRO SE (AV02)	AJA
08/14/2011	3:47:24	SUMM	CERTIFIED MAI ISSUED: 08/14/2011 TO D001 (AV02)	AJA
08/14/2011	3:47:25	EORD	D001 E-ORDER FLAG SET TO "N" (AV02)	AJA
08/14/2011	3:47:28	D002	D002 PARTY ADDED: EXPERIAN INFORMATION SOLUTIONS,	AJA
08/14/2011	3:47:29	ATTY	LISTED AS ATTORNEY FOR D002: PRO SE (AV02)	AJA
08/14/2011	3:47:30	SUMM	CERTIFIED MAI ISSUED: 08/14/2011 TO D002 (AV02)	AJA
08/14/2011	3:47:31	EORD	D002 E-ORDER FLAG SET TO "N" (AV02)	AJA
08/14/2011	3:47:34	EFILE	COMPLAINT - SUMMONS	
09/19/2011	3:53:37	SCAN	CASE SCANNED STATUS SET TO: Y (AV01)	REC
09/19/2011	3:53:53	SUMM	CERTIFIED MAI ISSUED: 09/19/2011 TO D001 (AV02)	REC
09/19/2011	3:54:02	SUMM	CERTIFIED MAI ISSUED: 09/19/2011 TO D002 (AV02)	REC
09/19/2011	3:54:09	CASP	CASE ACTION SUMMARY PRINTED (AV02)	REC

END OF THE REPORT

DEFENDANT'S EXHIBIT
B

State of Alabama Unified Judicial System Form ARCiv-93 Rev.5/99	**COVER SHEET** **CIRCUIT COURT - CIVIL CASE** (Not For Domestic Relations Cases)	Case Number: 58-CV-201 Date of Filing: 08/14/2011

ELECTRONICALLY FILED
8/14/2011 3:45 PM
CV-2011-900757.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF SHELBY COUNTY, ALABAMA
MARY RICE v. PORTFOLIO RECOVERY ASSOCIATES, LLC ET AL

First Plaintiff: ☐ Business ☑ Individual ☐ Government ☐ Other

First Defendant: ☑ Business ☐ Individual ☐ Government ☐ Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- ☐ WDEA - Wrongful Death
- ☐ TONG - Negligence: General
- ☐ TOMV - Negligence: Motor Vehicle
- ☐ TOWA - Wantonnes
- ☐ TOPL - Product Liability/AEMLD
- ☐ TOMM - Malpractice-Medical
- ☐ TOLM - Malpractice-Legal
- ☐ TOOM - Malpractice-Other
- ☐ TBFM - Fraud/Bad Faith/Misrepresentation
- ☐ TOXX - Other: ____________

TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property
- ☐ TORE - Real Property

OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
- ☐ ACCT - Account & Nonmortgage
- ☐ APAA - Administrative Agency Appeal
- ☐ ADPA - Administrative Procedure Act
- ☐ ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- ☐ CVRT - Civil Rights
- ☐ COND - Condemnation/Eminent Domain/Right-of-Way
- ☐ CTMP-Contempt of Court
- ☐ CONT-Contract/Ejectment/Writ of Seizure
- ☐ TOCN - Conversion
- ☐ EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- ☐ CVUD-Eviction Appeal/Unlawfyul Detainer
- ☐ FORJ-Foreign Judgment
- ☐ FORF-Fruits of Crime Forfeiture
- ☐ MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- ☐ PFAB-Protection From Abuse
- ☐ FELA-Railroad/Seaman (FELA)
- ☐ RPRO-Real Property
- ☐ WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- ☐ COMP-Workers' Compensation
- ☑ CVXX-Miscellaneous Circuit Civil Case

ORIGIN: F ☑ **INITIAL FILING** A ☐ **APPEAL FROM DISTRICT COURT** O ☐ **OTHER** ____________

R ☐ **REMANDED** T ☐ **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? ☑ Yes ☐ No

RELIEF REQUESTED: ☑ **MONETARY AWARD REQUESTED** ☐ **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: PHI053 8/14/2011 3:33:35 PM /s/ WESLEY L PHILLIPS

MEDIATION REQUESTED: ☐ Yes ☑ No ☐ **Undecided**

ELECTRONICALLY FILED
8/14/2011 3:45 PM
CV-2011-900757.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MARY RICE,	)	
	)	
Plaintiff,	)	
	)	
	)	
vs.	)	**Case No.:** ____________________
	)	
PORTFOLIO RECOVERY ASSOCIATES, LLC; EXPERIAN INFORMATION SOLUTIONS, INC.; and EQUIFAX INFORMATION SERVICES, LLC;	)	
	)	
	)	
Defendants.	)	

COMPLAINT

COMES NOW Plaintiff, by and through counsel, in the above styled cause, and states his Complaint against the Defendants as follows:

PARTIES

1. Plaintiff Mary Rice is a resident of Shelby County, over 19 years of age, and is competent to bring this action.

2. Defendant Portfolio Recovery Associates, LLC (hereinafter "Portfolio") is registered in Delaware with its principal place of business located in Norfolk, Virginia and was doing business in Shelby County, Alabama at all times material to this Complaint. Portfolio acted as a debt collector and debt buyer throughout the United States including Shelby County, Alabama at all times material to this Complaint.

3. Defendant Experian Information Solutions, Inc. (hereinafter "Experian") is an Ohio corporation with its principal place of business located in Orange, California and was doing

business in Shelby County, Alabama at all times material to this Complaint.

4. Jurisdiction is proper in the Circuit Court of Shelby County, Alabama. Plaintiff is a resident of Shelby County, and all of, or substantially all of, the wrongs complained of occurred in Shelby County. The matter in controversy, exclusive of interest and costs, exceeds the minimum jurisdictional amount required by the Circuit Court of Shelby County, Alabama.

FACTUAL ALLEGATIONS

5. In March, 2011, Defendant Portfolio sued Plaintiff in the Small Claims Court of Shelby County, Alabama, with a case number of SM-11-284. In this suit, Defendant Portfolio asserted it was the owner of a certain debt it claimed was allegedly owed by Plaintiff and asserted the amount owed was $2658.97.

6. Plaintiff answered the Complaint with a denial of Portfolio's claims, and Defendant Portfolio dismissed its claims against Plaintiff with prejudice in lawsuit numbered SM-11-284 on or about May 24, 2011.

7. On or about May 24, 2011, The Honorable John H. Alsbrooks, District Judge for Shelby County, entered an Order dismissing Portfolio's claims in case number SM-11-772 with prejudice; and this dismissal with prejudice entered in favor of Plaintiff and against Defendant Portfolio by the Court was a final adjudication on the merits.

8. Defendant Portfolio did not appeal within the time allowed, thus, making the judgment a final judgment from which an appeal no longer lies.

9. Defendant Portfolio is not the owner of this alleged debt.

10. Defendant Portfolio reported to the credit reporting agencies that Plaintiff owed this money and was in default.

11. Plaintiff did not owe this money to Defendant Portfolio.

12. The debt being collected is a "consumer debt" as defined by the FDCPA.

13. Plaintiff is a "consumer" as defined by the FDCPA and FCRA.

14. Defendant Portfolio is a "debt collector" as defined by the FDCPA.

15. After the dismissal with prejudice by the Small Claims Division of the Shelby County District Court, Plaintiff sent a letter to Defendant Experian requesting an investigation and/or reinvestigation of the account that still appeared on Plaintiff's credit reports with regard to Portfolio.

16. Plaintiff requested the account be deleted, as Plaintiff did not owe said account.

17. Plaintiff requested Defendant Experian to contact the District Court to verify that Plaintiff had indeed won the lawsuit in order to determine that this account should be immediately deleted from her credit reports.

18. No Defendant was concerned or cared about what the District Court did in the case as no Defendant had any intention of performing a reasonable investigation.

19. In fact, no Defendant performed any type of reasonable investigation and/or re-investigation.

20. Defendant Experian notified Defendant Portfolio in accordance with the FCRA of the dispute by the Plaintiff.

21. Alternatively, Defendant Experian did not properly notify Defendant Portfolio and, as a part of this failure, did not include all relevant information provided by Plaintiff in their notification of Defendant Portfolio. This includes notification that Plaintiff won the lawsuit in the District Court.

22. All Defendants failed to properly investigate and/or re-investigate these disputes, and if Defendants had properly investigated, the accounts would have been deleted.

23. On or about July 12, 2011, Defendant Experian issued the result of its investigation

in Confirmation report number 0971-3506-11 verifying the Defendant Portfolio account stating Plaintiff owed Defendant the amount of $2959 and that the inaccurate information would remain on Plaintiff's credit report until October 2015 and refusing to delete said account although Plaintiff provided Defendant Experian the proper information to show said account was not properly placed in or on her credit report, record, and/or file. The report Defendant Experian issued to Plaintiff and the failure to properly and/or reasonably investigate and re-investigate by Defendants Experian and/or Portfolio following the entering of judgment against Defendant Portfolio in the District Court case it brought against Plaintiff shows that Defendants failed and willfully refused to conduct an adequate and reasonable investigation and/or re-investigation into Plaintiff's dispute.

24. All Defendants were provided with more than sufficient information in the dispute and in their own internal sources of information (which includes the knowledge of Defendant Portfolio through its District Court trial counsel that Plaintiff won the case at trial) to conduct an investigation and to conclude that the account complained of was being reported incorrectly.

25. Defendant Experian has proclaimed in the past it was obligated to rely upon whatever the public records state about a consumer.

26. For example, had Plaintiff not answered the Small Claims suit and a default judgment was entered, and Plaintiff disputed with the Consumer Reporting Agencies, Experian would have taken the position that they were bound by the state court judgment which says Plaintiff owes the money.

27. Defendant Experian, however, refused to rely upon what the District Court judge actually rendered in this case, particularly, that Portfolio's claims against the Plaintiff were dismissed with prejudice.

28. The dismissal with prejudice was not appealed to the Shelby County Circuit Court,

and there is no avenue for appeal for Defendant Portfolio of this judgment as the time to appeal has long since passed.

29. Despite this knowledge, Defendant Experian has completely abdicated its obligations under federal and state law and has instead chosen to merely "parrot" whatever the customer, Defendant Portfolio, has told it to say.

30. Defendant Experian has a policy to favor the paying customer, in this situation Defendant Portfolio, rather than what the consumer or even a court says about a debt.

31. The primary reason for this wrongful policy is that furnishers in general, and debt collectors specifically, provide enormous financial rewards to these Defendants.

32. The importance of keeping balances on credit reports is that all the Defendants understand that one of the most powerful methods furnishers (and debt collectors) have to wrench payment from a consumer is by placing accounts with balances on the consumer's credit reports.

33. Defendant Portfolio has a policy and procedure to refuse to update credit reports of consumers, like Plaintiff, who do not owe the alleged debt. This practice and procedure keeps false information on the credit report. The false information consists of a balance shown as owed when Defendant Portfolio knows no balance is owed.

34. Defendant Portfolio promises through its subscriber agreements or contracts to accurately update accounts but Defendant Portfolio has willfully, maliciously, recklessly, wantonly, and/or negligently failed to follow this requirement as well as the requirements set forth under the FCRA, FDCPA, and state law, which has resulted in the intended consequences of this information remaining on Plaintiff's credit reports.

35. Defendant Portfolio had a duty, and has a duty it assumed through the subscriber agreement and other actions, to accurately report the balances, and this duty was breached in a

negligent, wanton, reckless, willful, intentional, and/or malicious manner.

36. Defendant Portfolio has a policy and/or practice to "park" its accounts on at least one of the consumer's credit reports. In the credit reporting industry, the term "park" means to keep a false balance (or false account) on the credit report so that the consumer will be forced to pay off the balance in order to obtain a refinancing or to qualify for a loan or to increase the consumer's credit score from the artificially lowered score which directly resulted from the Defendants' intentional and malicious conduct. In this matter, Defendants Portfolio and Experians' failure to remove Plaintiff's account was precisely "parking" of an account in order to extort monies from consumers like Plaintiff in order to have an inaccurate trade line removed.

37. In parking or allowing the parking of an account, all Defendants know they are violating their obligations and duties under federal and state law to accurately report the account and/or the balance.

38. All Defendants know that parking a balance will lead to false and defamatory information being published every time the Plaintiff's credit report is accessed and this is the malicious and intentional design behind Defendants' actions with the goal to force the Plaintiff to pay on an account she does not owe.

39. All Defendants maliciously, willfully, intentionally, recklessly, and/or negligently failed to review the information provided in the disputes and that was already in their files and to conduct a reasonable investigation and/or re-investigation into Plaintiff's disputes.

40. At all relevant times Defendant Experian failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report and/or to conduct a reasonable and proper investigation and/or re-investigation and/or provide proper consumer disclosures, concerning the accounts in question, violating 15 U.S.C. §§ 1681e(b), 1681i

and state law.

41. Defendant Portfolio failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit information and Plaintiff's credit report and/or to conduct a reasonable and proper investigation and/or re-investigation, concerning the account in question, thus violating state law and FDCPA as set forth in this Complaint. These violations occurred before, during, and after the dispute process began with the consumer reporting agencies.

42. Defendant Portfolio has taken aggressive actions in a continued effort to collect the alleged debt against Plaintiff. These actions include the continued reporting of the debt to third parties, including consumer-reporting agencies such as Experian, that Plaintiff owed the debt, that Plaintiff defaulted, and that the account was in collections.

43. Defendant Experian has failed to maintain Plaintiff's accounts with maximum accuracy and all Defendants have failed to properly investigate and/or re-investigate the accounts in response to the disputes made by Plaintiff.

44. Further, Defendant Portfolio violated the FDCPA numerous times in numerous ways by sending collection letters dated June 29, 2011 and July 1, 2011 to Plaintiff attempting to collect this debt when Defendant Portfolio had no legal right or authority upon which to collect.

45. In letter dated June 29, 2011, Defendant Portfolio sent Plaintiff a letter stating it had "completed [its] investigation of [Plaintiff's] dispute concerning this account" and that it was "transfer[ing] the account back to the collection floor to pursue collection of the outstanding balance due on this account."

46. In another letter dated July 1, 2011, Defendant Portfolio offers Plaintiff various "settlement options," although it was previously adjudicated Plaintiff did not owe Defendant

Portfolio this debt.

47. The conduct of the Defendants has proximately caused Plaintiff past and future monetary loss, past and future damage to Plaintiff's credit and credit worthiness, past and future mental distress and emotional anguish, and other damages that will be presented to the trier of fact.

48. It is a practice of Defendant Portfolio to maliciously, willfully, recklessly, wantonly and/or negligently ignore and refuse to follow the requirements of the FDCPA, FCRA, and state law.

49. It is a practice of Defendant Experian to maliciously willfully, recklessly, wantonly and/or negligently ignore and refuse to follow the requirements of the FCRA, and state law.

50. All actions taken by employees, agents, servants, or representatives of any type for any and/or all Defendants were taken in the line and scope of such individuals (or entities') employment, agency or representation.

51. All actions taken by any and/or all Defendants were done with malice, were done willfully, and were done with either the desire to harm Plaintiff and/or with the knowledge that their actions would very likely harm Plaintiff and/or that their actions were taken in violation of the FCRA and/or FDCPA and/or state law and/or that they knew or should have known that their actions were in reckless disregard of the FCRA and/or FDCPA and/or state law.

52. All Defendants have engaged in a pattern and practice of wrongful and unlawful behavior with respect to Plaintiff's accounts and consumer reports and as such all Defendants are subject to punitive damages and statutory damages and all other appropriate measures to punish and deter similar future conduct by these Defendants and similar companies.

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692 et seq.

53. All paragraphs of this Complaint are expressly adopted and incorporated by reference as if fully set forth herein.

54. Defendant Portfolio violated the FDCPA in numerous ways, including, but not limited to the following:

a. Falsely reporting the debt on Plaintiff's credit reports when Plaintiff does not owe the money;

b. Suing the Plaintiff when there was no basis to do so;

c. Continuing to assert the suit in state court when Defendant Portfolio knew, or should have known, there was no basis for doing so; and

d. Engaging in collection activities on a debt that Plaintiff does not owe and that Defendant Portfolio is not entitled to collect upon.

e. Continuing to attempt to collect upon a debt it knew or should have known was legally uncollectible after Defendant Portfolio dismissed its claims in its lawsuit against Plaintiff and subsequently sending collection letters to Plaintiff dated June 29, 2011 and July 1, 2011.

55. The violations of the FDCPA by the Defendant Portfolio are the proximate cause of Plaintiff's injuries under the FDCPA due to Defendant Portfolio's conduct which violated the FDCPA and caused Plaintiff's actual damages, statutory damages, costs, expenses, attorneys' fees, and including, but not limited to, Plaintiff's credit was and is damaged; Plaintiff suffered contempt, ridicule and/or financial injury; Plaintiff has suffered a loss of credit, insurance, and/or other business

dealings of varying types; and Plaintiff suffered actual damages for worry, shame, humiliation, loss of sleep, anxiety, nervousness, physical sickness, physical and mental suffering, pain, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendant Portfolio for statutory, actual, compensatory and/or punitive damages in an amount to be determined by the trier of fact, together with attorneys' fees, interest from the date of injury, and the costs and expenses of this proceeding.

COUNT II

VIOLATIONS OF THE FAIR CREDIT REPORTING ACT 15 U.S.C. § 1681 et seq.

56. All paragraphs of this Complaint are expressly adopted and incorporated by reference as if fully set forth herein.

57. Defendant Experian is a "consumer reporting agency," as codified at 15 U.S.C. §1681a(f).

58. Defendant Portfolio is an entity which, regularly and in the course of business, furnishes information to one or more consumer reporting agencies about its transactions or experiences with any consumer and therefore constitutes a "furnisher," as codified at 15 U.S.C. § 1681s-2.

59. Plaintiff notified Defendant Experian directly of a dispute on the Defendant Portfolio's account's completeness and/or accuracy, as reported.

60. The credit reporting agencies, Defendant Experian, failed to delete inaccurate information, reinserted the information without following the FCRA, failed to properly investigate and/or reinvestigate Plaintiff's disputes, and failed to provide Plaintiff a proper report of the results of its investigation and/or reinvestigation.

61. Plaintiff alleges that at all relevant times Defendant Experian failed to maintain and failed to follow reasonable procedures to assure maximum possible accuracy of her credit report with regard to the accounts in question in violation of 15 U.S.C. § 1681e(b).

62. Plaintiff alleges that all Defendants failed to conduct a proper, reasonable and lawful investigation and/or reinvestigation as well as provide a proper consumer disclosure in violation of 15 U.S.C. § 1681i. All Defendants were given notice the suit was dismissed with prejudice but apparently failed to review the court file, contact the District Court, and/or contact counsel for Defendant Portfolio and/or other proper and reasonable measures.

63. All actions taken by the Defendants were done willfully, with malice, and were done with either the desire to harm Plaintiff and/or with the knowledge that their actions would very likely harm Plaintiff and/or that their actions were in violation of the FCRA and state law and/or that knew or should have known that their actions were in reckless disregard of the FCRA and/or state law.

64. Defendants Experian and/or Portfolios' violations of the FCRA proximately caused the injuries and damages set forth in this Complaint, including, but not limited to, Plaintiff's credit was and is damaged; Plaintiff suffered contempt, ridicule and/or financial injury; Plaintiff has suffered a loss of credit, insurance, and/or other business dealings of varying types; and Plaintiff suffered actual damages for worry, shame, humiliation, loss of sleep, anxiety, nervousness, physical sickness, physical and mental suffering, pain, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendants Experian and/or Portfolio, jointly and severally, for statutory, actual, compensatory and/or punitive damages in an amount to be determined by the trier of fact, together with attorneys' fees, interest from the date of injury, and the costs and expenses of this proceeding.

COUNT III

DEFAMATION

65. All paragraphs of this Complaint are expressly adopted and incorporated by reference as if fully set forth herein.

66. Defendant Portfolio published false information about Plaintiff by reporting to one or more of the Consumer Reporting Agencies (CRAs) the account merely showing it as being "disputed".

67. Each time the credit reports of Plaintiff were accessed, a new publication occurred, which was the result intended by the Defendant.

68. Plaintiff alleges that the publications and defamations were done maliciously, without privilege, and with a willful intent to injure Plaintiff.

69. Plaintiff has been damaged as a proximate result of Defendant Portfolio's wrongful conduct as set forth in this Complaint, including, but not limited to, Plaintiff's credit was and is damaged; Plaintiff suffered contempt, ridicule and/or financial injury; Plaintiff has suffered a loss of credit, insurance, and/or other business dealings of varying types; and Plaintiff suffered actual damages for worry, shame, humiliation, loss of sleep, anxiety, nervousness, physical sickness, physical and mental suffering, pain, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendant Portfolio for compensatory and punitive damages in an amount to be determined by the trier of fact, together with interest from the date of injury and the costs and expenses of this proceeding.

COUNT IV

INVASION OF PRIVACY

70. All paragraphs of this Complaint are expressly adopted and incorporated by

reference as if fully set forth herein.

71. Defendant Portfolio recklessly, intentionally, and/or willfully invaded the privacy of Plaintiff as set forth in Alabama law, including publishing false information about Plaintiff's personal financial obligations and refusing to properly update the credit reports as described in this Complaint.

72. Plaintiff has been damaged as a proximate result of Defendant Portfolio's wrongful conduct as set forth in this Complaint, including, but not limited to, Plaintiff's credit was and is damaged; Plaintiff suffered contempt, ridicule and/or financial injury; Plaintiff has suffered a loss of credit, insurance, and/or other business dealings of varying types; and Plaintiff suffered actual damages for worry, shame, humiliation, loss of sleep, anxiety, nervousness, physical sickness, physical and mental suffering, pain, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendant Portfolio for compensatory and punitive damages in an amount to be determined by the trier of fact, together with interest from the date of injury and the costs and expenses of this proceeding.

COUNT V

NEGLIGENT, RECKLESS, WANTON, MALICIOUS AND/OR INTENTIONAL CONDUCT

73. All paragraphs of this Complaint are expressly adopted and incorporated by reference as if fully set forth herein.

74. Defendant Portfolio has a duty under Alabama law, and also assumed a duty through the subscriber agreement with the CRAs, to accurately report the account of Plaintiff.

75. Defendant Portfolio has agreed to follow and understands it must follow the requirements of the FCRA.

76. Defendant Portfolio has a duty under Alabama law to act reasonably under the circumstances.

77. Defendant Portfolio has violated this duty under Alabama law by failing to accurately report Plaintiff's account to the credit reporting agencies.

78. Defendant Portfolio violated its duties to Plaintiff and such violations were made intentionally, recklessly, wantonly, maliciously, and/or negligently as Defendant refused to comply with all the duties Defendant had.

79. Defendant Experian violated their respective duties to Plaintiff by failing and refusing to use reasonable care in maintaining Plaintiff's credit file and such violations were made intentionally, recklessly, wantonly, maliciously, and/or negligently as Defendants refused to comply with all the duties each had or owed to Plaintiff.

80. Plaintiff has been damaged as a proximate result of all Defendants' wrongful conduct as set forth in this Complaint, including, but not limited to, Plaintiff's credit was and is damaged; Plaintiff suffered contempt, ridicule and/or financial injury; Plaintiff has suffered a loss of credit, insurance, and/or other business dealings of varying types; and Plaintiff suffered actual damages for worry, shame, humiliation, loss of sleep, anxiety, nervousness, physical sickness, physical and mental suffering, pain, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendants Experian and/or Portfolio, jointly and severally, for compensatory and punitive damages in an amount to be determined by the trier of fact, together with interest from the date of injury and the costs and expenses of this proceeding.

COUNT VI

NEGLIGENCE IN HIRING, SUPERVISING, AND/OR TRAINING

81. All paragraphs of this Complaint are expressly adopted and incorporated herein as if set forth herein in their entirety.

82. Defendants Experian and/or Portfolio were negligent or wanton in the hiring, training, and/or supervision of their employees and/or agents.

83. The employees and/or agents of these Defendants, while acting in furtherance of each one's employment or agency and in the line and scope of each one's respective employment or agency, were incompetent to perform his/her duties and all Defendants did know, or should have known, of such incompetence.

84. The negligent or wanton conduct of those employees and/or agents of all Defendants, including the fictitious party Defendants, while acting in furtherance of each one's employment or agency and in the line and scope of each one's respective employment or agency lead to the Plaintiff's account at issue in this matter being reported inaccurately on her credit reports.

85. Plaintiff has been damaged as a proximate result of all Defendants' wrongful conduct as set forth in this Complaint, including, but not limited to, Plaintiff's credit was and is damaged; Plaintiff suffered contempt, ridicule and/or financial injury; Plaintiff has suffered a loss of credit, insurance, and/or other business dealings of varying types; and Plaintiff suffered actual damages for worry, shame, humiliation, loss of sleep, anxiety, nervousness, physical sickness, physical and mental suffering, pain, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendants Experian and/or Portfolio, jointly and severally, for compensatory and punitive damages in an amount to be determined by the trier of fact, together with interest from the date of injury and the costs and expenses of this proceeding

s/Wesley L. Phillips
Wesley L. Phillips (PHI053)
Attorney for Plaintiff

OF COUNSEL:
PHILLIPS LAW GROUP, LLC
Post Office Box 130488
Birmingham, Alabama 35213-0488
Telephone: (205) 383-3585
Facsimile: (800) 536-0385
Email: wlp@wphillipslaw.com

PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS MATTER .

s/Wesley L. Phillips
OF COUNSEL

Plaintiff's Address:
2101 1st Avenue West, Apt. 4
Maylene, Alabama 35114

PLEASE SERVE SUMMONS AND COMPLAINT BY CERTIFIED MAIL AS FOLLOWS:

Portfolio Recovery Associates, LLC
c/o National Registered Agents, Inc.
150 S. Perry Street
Montgomery, Alabama 36104

Experian Information Solutions, Inc.
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

ELECTRONICALLY FILED
8/14/2011 3:45 PM
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CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MARY RICE,	)	
	)	
Plaintiff,	)	
	)	
	)	
vs.	)	**Case No.:** __________________
	)	
PORTFOLIO RECOVERY ASSOCIATES,	)	
LLC; EXPERIAN INFORMATION	)	
SOLUTIONS, INC.; and	)	
EQUIFAX INFORMATION SERVICES, LLC;	)	
	)	
	)	
Defendants.	)	

SUMMONS

This service of this summons is initiated upon the written request of Plaintiff's attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: **Portfolio Recovery Associates, LLC**
c/o National Registered Agents, Inc.
150 S. Perry Street
Montgomery, Alabama 36104

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the Complaint to **PHILLIPS LAW GROUP**, Attorneys for the Plaintiffs, P.O. Box 130488, Birmingham, Alabama 35213. **THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF THE DELIVERY OF THIS SUMMONS AND COMPLAINT OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward. The Clerk's address is: Circuit Clerk of Shelby County, P.O. Box 1810, Columbiana, Alabama 35051.

____
Clerk of Court

Dated: ______________________

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CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MARY RICE,	)	
Plaintiff,	)	
vs.	)	**Case No.:** ________________
PORTFOLIO RECOVERY ASSOCIATES, LLC; EXPERIAN INFORMATION SOLUTIONS, INC.; and EQUIFAX INFORMATION SERVICES, LLC;	)	
Defendants.	)	

SUMMONS

This service of this summons is initiated upon the written request of Plaintiff's attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: **Experian Information Solutions, Inc.**
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the Complaint to **PHILLIPS LAW GROUP**, Attorneys for the Plaintiffs, P.O. Box 130488, Birmingham, Alabama 35213. **THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF THE DELIVERY OF THIS SUMMONS AND COMPLAINT OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT**. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward. The Clerk's address is: Circuit Clerk of Shelby County, P.O. Box 1810, Columbiana, Alabama 35051.

____
Clerk of Court

Dated: ____________________

ELECTRONICALLY FILED
8/14/2011 3:45 PM
CV-2011-900757.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MARY RICE,	)	
	)	
Plaintiff,	)	
	)	
	)	
vs.	)	**Case No.:** ____________
	)	
PORTFOLIO RECOVERY ASSOCIATES, LLC; EXPERIAN INFORMATION SOLUTIONS, INC.; and EQUIFAX INFORMATION SERVICES, LLC;	)	
	)	
	)	
Defendants.	)	

PLAINTIFF'S FIRST INTERROGATORIES, REQUEST FOR ADMISSIONS, AND REQUEST FOR PRODUCTION TO DEFENDANT PORTFOLIO RECOVERY ASSOCIATES, LLC

COMES NOW Plaintiff Mary Rice, by and through the undersigned counsel, and hereby requests that Defendant Portfolio Recovery Associates, LLC (hereinafter, collectively, "you," "your," and/or "this Defendant"), answer the following interrogatories and requests for production of documents within the time required by the Alabama Rules of Civil Procedure. In addition, Plaintiff requests that Defendant attach a copy of each and every document referred to in any of the interrogatories or in Defendant's responses thereto or that this Defendant state the date and time the said documents will be produced for inspection and copying at the offices of Plaintiff's attorney.

NOTE: These interrogatories shall be deemed continuing so as to require supplemental answers upon receipt of additional information subsequent to its original response.

I. INTERROGATORIES:

1. State whether this Defendant's name correctly is stated in the complaint filed in this case. If not, state the correct way this defendant should be designated as a party defendant in the named action at the time of occurrence made the basis of this lawsuit and at the time of response to these interrogatories.

RESPONSE:

2. State the corporate history of this Defendant, including the date and place of incorporation; whether it is qualified to do business in the State of Alabama, and, if so, the date first qualified; the address of its principal place of business; and the full names of any and all subsidiaries, divisions, sister corporations, parent corporations, successors, assigns and other like entities.

   a. State the address of all business locations of this Defendant;

   b. Describe the nature of this Defendant's business.

RESPONSE:

3. Identify the names, addresses, and telephone numbers of all persons who were witness to or who have personal knowledge of any of the facts, events, or matters that are alleged in Plaintiff's complaint, your answer, anticipated answer and/or defenses thereto and describe and explain your understanding of the matters on which the persons named have knowledge. In addition to identifying said individuals as specified in the instructions above, please include the

following:

(a) Please state whether each such person is affiliated with, or related to, or employed by any party (or its agents, servants, officers, or employees) to this lawsuit;

(b) If any of the persons so listed in response to this interrogatory do not fit the characterization in subpart (a) above, please describe the nature of their involvement in this lawsuit;

(c) Please explain and describe your understanding of their knowledge of such facts.

RESPONSE:

4. Identify all correspondence or documents that refer or relate to any correspondence or communication between you and any other defendant in this action, relating or referring to the Plaintiff, facts, acts, events, or matters alleged in Plaintiff's complaint, or your answer, anticipated answer and/or defenses thereto.

RESPONSE:

5. State your policies and procedures and identify the name or title of said policy and procedure as well as any and all manuals, reference books, of memorandums by whatever name called, designed to assure the maximum possible accuracy of the information in your database and that such information is accurately reported to the credit reporting agencies, including Equifax, Experian, and Trans Union.

RESPONSE:

6. For each request for admission to which you did not give an unqualified "admitted," please state in detail the basis for each such refusal to admit and identify all documents which relate to your refusal to admit.

RESPONSE:

7. Explain in detail why you pulled Plaintiff's credit reports.

RESPONSE:

8. What is your policy and procedure for pulling credit reports? Identify and produce all related documents, including memos, emails, policy and procedure books or guidelines, etc.

RESPONSE:

9. Identify all documents in your possession that you claim are privileged, identifying the types of documents, dates of documents, subject matter of the documents, authors and recipients of the documents, and the applicable privilege.

RESPONSE:

10. State the name and address of each and every witness expected to be called at the trial of this action.

RESPONSE:

11. State how many credit reports of consumers in Alabama you pulled in 2009 and how many you pulled in 2010.

RESPONSE:

12. For each affirmative defense identify all documents, facts, or witnesses that support each such defense.

RESPONSE:

13. State the name and address of each and every expert witness expected to be called at the trial of this action. Include in your answers any and all opinions, and the basis for such opinions, upon which each and every expert will be called to testify and the qualifications of each expert.

RESPONSE:

14. State your policies and procedures and identify the name or title of said policy and procedure as well as any and all manuals, reference books, of memorandums by whatever name called, for the purpose of conducting a proper and reasonable investigation or re-investigation of

a consumer dispute in compliance with the FCRA.

RESPONSE:

II. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

1. Admit or deny that Plaintiff did not give you permission to pull Plaintiff's credit reports.

RESPONSE:

2. Admit or deny you told Experian that Plaintiff had given you permission to pull her credit report.

RESPONSE:

3. Admit or deny that you knew that pulling Plaintiff's credit reports would adversely affect Plaintiff's credit worthiness.

RESPONSE:

III. REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents evidencing, relating, referencing, and/or involving communications between you and any of the other defendants which regarded or in any way referenced Plaintiff and/or any of Plaintiff's personal identifiers.

2. Produce all documents that reference, relate, and/or refer in any way to the Plaintiff.

3. Produce all documents evidencing, relating, referencing, involving and/or constituting communications between you and Plaintiff or anyone acting on or purporting to act

on Plaintiff's behalf.

4. Produce your policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures in pulling credit reports during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

5. Produce your policy manuals, procedure manuals, or other documents, which reference, constitute, evidence, and/or duplicate the Fair Credit Reporting Act (or any part thereof) and its revisions or amendments provided to your employees, during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

6. Produce your contract, documents, manuals or other recorded data, concerning your subscriber relationships with the other defendants and with any consumer reporting agency from which you pulled credit reports on Plaintiff.

7. Please produce your documents evidencing, referencing, constituting and/or containing your subscriber contracts, subscriber names, subscriber codes, personal identification numbers, reporting policies, means and procedures and/or access codes and specify what time periods such contracts, names, codes, personal identification numbers and/or access codes were used or made available to you by any party to this case.

8. Produce your documents which evidence, reference, relate, constitute and/or address your communications with Plaintiff or anyone acting on behalf of Plaintiff.

9. Produce your documents and/or correspondence in your, or your attorney's, possession that evidence, refer to, and/or relate to any facts which you believe may have any bearing upon this lawsuit or any defenses you have raised in this lawsuit, not to include letters between you and your attorney.

10. Produce copies of your documents evidencing, relating to, and/or referencing

telephone messages, log books and/or other regularly maintained records by you which contain information about communications between you and Plaintiff and/or any other defendant in this action and/or any consumer reporting agency or furnisher or government bureau or any Better Business Bureau.

11. Produce any and all documents which evidence, relate, and/or refer in any manner to the Plaintiff or any of Plaintiff's accounts.

12. Produce any and all documents identified, relied upon or referred to by you in your responses to Plaintiff's interrogatories.

s/Wesley L. Phillips
Wesley L. Phillips (PHI053)
Attorney for Plaintiff

OF COUNSEL:
PHILLIPS LAW GROUP, LLC
Post Office Box 130488
Birmingham, Alabama 35213
(205) 383-3585 - voice
(800) 536-0385 - facsimile

PLEASE SERVE ALONG WITH THE SUMMONS AND COMPLAINT.

ELECTRONICALLY FILED
8/14/2011 3:45 PM
CV-2011-900757.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MARY RICE,	)	
	)	
Plaintiff,	)	
	)	
	)	
vs.	)	**Case No.:** ____________
	)	
PORTFOLIO RECOVERY ASSOCIATES, LLC; EXPERIAN INFORMATION SOLUTIONS, INC.; and EQUIFAX INFORMATION SERVICES, LLC;	)	
	)	
	)	
Defendants.	)	

PLAINTIFF'S FIRST INTERROGATORIES, REQUEST FOR ADMISSIONS, AND REQUEST FOR PRODUCTION TO DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.

COMES NOW Plaintiff Mary Rice, by and through her undersigned counsel, and hereby requests that Defendant Experian Information Solutions, Inc. (hereinafter, collectively, "you," "your," and/or "these Defendants"), answer the following interrogatories and requests for production of documents within the time required by the Alabama Rules of Civil Procedure. In addition, Plaintiff requests Defendant to attach a copy of each and every document referred to in any of the interrogatories or in Defendant's responses thereto or that Defendant states the date and time the said documents will be produced for inspection and copying at the offices of Plaintiff's attorney.

NOTE: These interrogatories shall be deemed continuing so as to require supplemental answers upon receipt of additional information subsequent to its original response.

I. INTERROGATORIES:

1. State whether your name correctly is stated in the complaint filed in

this case. If not, state the correct way this defendant should be designated as a party defendant in the named action at the time of occurrence made the basis of this lawsuit and at the time of response to these interrogatories.

RESPONSE:

2. State your corporate history, including the date and place of incorporation; whether you are qualified to do business in the State of Alabama, and, if so, the date first qualified; the address of its principal place of business; and the full names of any and all subsidiaries, divisions, sister corporations, parent corporations, successors, assigns and other like entities.

a. State the address of all business locations of this Defendant;

b. Describe the nature of this Defendant's business.

RESPONSE:

3. Identify the names, addresses, and telephone numbers of all persons who were witness to or who have personal knowledge of any of the facts, events, or matters that are alleged in Plaintiff's complaint, your answer, anticipated answer and/or defenses thereto and describe and explain your understanding of the matters on which the persons named have knowledge. In addition to identifying said individuals as specified in the instructions above, please include the following:

(a) Please state whether each such person is affiliated with, or related to, or employed by any party (or its agents, servants, officers, or employees) to this lawsuit;

(b) If any of the persons so listed in response to this interrogatory do not fit the characterization in subpart (a) above, please describe the nature of their involvement in this lawsuit;

(c) Please explain and describe your understanding of their knowledge of such facts.

RESPONSE:

4. Identify all correspondence or documents that refer or relate to any correspondence or communication between you and any other defendant in this action, as well as any potential credit grantors or mortgage grantors relating or referring to the Plaintiff, facts, acts, events, or matters alleged in Plaintiff's complaint, or your answer, anticipated answer and/or defenses thereto.

RESPONSE:

5. Please state whether you received any requests from Defendant Portfolio Recovery Associates, LLC related to pulling Plaintiff's credit reports, and in connection with your response, please identify the dates of such requests, the manner of the requests, the identifying data connected with the requests, and explain and describe the reasons you allowed Defendant Portfolio Recovery Associates, LLC to have access to Plaintiffs' credit reports.

RESPONSE:

6. State your policies and procedures and identify the name or title of said policy and procedure as well as any and all manuals, reference books, of memorandums by whatever name

called, designed to assure the maximum possible accuracy of the information in your consumer credit database and consumer reports you issued and to ensure credit pulls are only allowed when the company desiring to make the pull has a permissible reason.

RESPONSE:

7. If any document that is or would have been responsive to Plaintiff's Requests for Production of Documents to you was destroyed, lost, mislaid, or otherwise missing, identify the document, state the date of and reason for its destruction, and identify all persons having knowledge of its contents and/or the reason for its destruction.

RESPONSE:

8. Identify all documents in your possession that you claim are privileged, identifying the types of documents, dates of documents, subject matter of the documents, authors and recipients of the documents, and the applicable privilege.

RESPONSE:

9. If any document responsive to Plaintiff's Request for Production of Documents to you is withheld from production, identify each such document by date, title, subject matter, length and the request to which it is potentially responsive and state the reason for withholding production, and identify each person to whom the document was sent, shown, or made

accessible, or to whom it was explained.

RESPONSE:

10. Please list, explain and describe documents known to you or believed by you to exist concerning any of the events described in Plaintiff's complaint or concerning any of the events which are the subject(s) of any defense(s) you have raised to this lawsuit.

RESPONSE:

11. If your answer to any Request for Admission is anything other than an unqualified "Admit," explain in detail each and every reason for your answer to each Request for Admission that you did not give an unqualified admission, identifying all persons and documents.

RESPONSE:

12. State the name and address of each and every witness expected to be called at the trial of this action.

RESPONSE:

13. State the name and address of each and every expert witness expected to be called at the trial of this action. Include in your answers any and all opinions, and the basis for such opinions, upon which each and every expert will be called to testify and the qualifications of each

expert.

RESPONSE:

14. State the name, address, phone number, and employer of each and every person known by you to have any knowledge whatsoever of matters related, referencing, or pertaining to the events made the basis of this lawsuit.

RESPONSE:

15. State whether, in the past ten years, you have been named a party defendant in any other lawsuit involving claims or allegations you violated the Fair Credit Reporting Act (15 U.S.C. §1681, et. seq.) with regard to properly conducting an investigation of a disputed account and/or improperly reporting accounts. If so, state the name of the lawsuit, the civil action number and the court where the action was filed.

RESPONSE:

16. State whether, in the past ten (10) years, you have been involved in any other legal action, either as a defendant or a plaintiff where allegations were raised concerning improper use of personal or financial data or credit report access issues were involved? If so, please state:

a) The date and place each such action was filed identifying the other party or parties involved, the docket number of such actions, and the names of the attorneys representing each party;

b) A description of the nature of each such action; and

c) The result of each such action whether there was an appeal, and the result of the appeal, and whether such case was reported and the name, volume number, and page citation of the report.

RESPONSE:

17. State and fully describe the maintenance of all procedures utilized by you to avoid violation of the Fair Credit Reporting Act, including, but not limited to, all documents regarding this Defendant's compliance or noncompliance with the FCRA.

RESPONSE:

18. State your policies and procedures and identify the name or title of said policy and procedure as well as any and all manuals, reference books, of memorandums by whatever name called, for the purpose of conducting a proper and reasonable investigation or re-investigation of a consumer dispute in compliance with the FCRA.

RESPONSE:

II. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

1. Admit or deny that you followed all policies and procedures for allowing Defendant Portfolio Recovery Associates, LLC to pull Plaintiff's credit reports.

RESPONSE:

2. Admit or deny you intended that other persons or entities would see the credit pulls by Defendant Portfolio Recovery Associates, LLC if such other persons or entities reviewed

Plaintiff's credit report maintained by you.

RESPONSE:

3. Admit or deny the credit pulls by Defendant Portfolio Recovery Associates, LLC do not improve Plaintiff's credit history.

RESPONSE:

4. Admit or deny the credit pulls by Defendant Portfolio Recovery Associates, LLC lower Plaintiff's credit score using your credit scoring formula.

RESPONSE:

5. Admit or deny you have not yet deleted the inquiries of Portfolio Recovery Associates, LLC from Plaintiff's credit reports.

RESPONSE:

6. Admit or deny that as of the date this lawsuit was filed you had not yet deleted the inquiries of Portfolio Recovery Associates, LLC from Plaintiff's credit reports.

RESPONSE:

7. Admit or deny the Plaintiff does not have a choice on whether you will maintain a credit report on her.

RESPONSE:

III. REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents evidencing, relating to, and/or involving communications between you and any of the other defendants, in which the communication in any way referenced Plaintiff and/or any of Plaintiff's personal identifiers.

2. Produce each and every document that refers to the plaintiff.

3. Please produce all documents evidencing, relating to, and/or involving or constituting communications between you and the plaintiff or anyone acting on or purporting to act on the plaintiff's behalf.

4. Please produce your policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures in allowing credit pulls during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

5. Please produce your policy manuals, procedure manuals, or other documents, which reference, constitute or duplicate the Fair Credit Reporting Act (or any part thereof) and its revisions or amendments provided to your employees, during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

6. Please produce your contract, documents, manuals, and/or all recorded data in whatever medium or form concerning your subscriber relationships with all other defendants.

7. Please provide a complete audit trail of any document(s), computer(s), or other data held by you which indicate, address, and/or discuss modifying and/or amending any information regarding Plaintiff reported by you.

8. Please produce your documents evidencing, relating, referencing, constituting and/or containing your subscriber contracts, subscriber names, subscriber codes, personal identification numbers, reporting policies, means and procedures and/or access codes and specify what time periods such contracts, names, codes, personal identification numbers and/or access codes were used or made available to you by any party to this case.

9. Please produce your documents which evidence, relate, reference, constitute and/or address your communications with Plaintiff or anyone acting on behalf of Plaintiff.

10. Please produce all documents and/or correspondence in your, or your attorney's,

possession that refer to or relate to any facts which you believe may have any bearing upon this lawsuit or any defenses you have raised in this lawsuit, not to include any privileged letters between you and your attorney.

11. Please produce copies of your documents evidencing, relating, referencing, constituting and/or containing telephone messages, log books or other regularly maintained records by you which contain information about communications between you and Plaintiff and/or any other defendant in this action and/or any consumer reporting agency or furnisher or government bureau or any Better Business Bureau.

12. Please produce all documents in your custody, control, or possession evidencing, relating, referencing, constituting and/or which refer in any manner to Plaintiff or any of Plaintiff's accounts.

13. Please produce any and all documents identified, relied upon, and/or referred to by you in your responses to Plaintiff's interrogatories.

s/Wesley L. Phillips
Wesley L. Phillips (PHI053)
Attorney for Plaintiff

OF COUNSEL:
PHILLIPS LAW GROUP, LLC
Post Office Box 130488
Birmingham, Alabama 35213
(205) 383-3585 - voice
(800) 536-0385 - facsimile

PLEASE SERVE ALONG WITH THE SUMMONS AND COMPLAINT.

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 58-CV-2011-900757.00

IN THE CIVIL COURT OF SHELBY, ALABAMA
MARY RICE V. PORTFOLIO RECOVERY ASSOCIATES, LLC ET AL

NOTICE TO: PORTFOLIO RECOVERY ASSOCIATES, LLC, 150 S. PERRY STREET, MONTGOMERY, AL 36104

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY WESLEY L PHILLIPS

WHOSE ADDRESS IS P.O. Box 130488, Birmingham, AL 35213

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.
TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☑ Service by certified mail of this summons is initiated upon the written request of MARY RICE pursuant to the Alabama Rules of the Civil Procedure

~~8/4/2011~~ 9/19/11 3:45:57 PM — Date

/s MARY HARRIS — Clerk/Register

By [signature]

☑ Certified mail is hereby requested

/s WESLEY L PHILLIPS — Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on

☐ I certify that I personally delivered a copy of the Summons

in

Date

Server's Signatu

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

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D02
CV-11-900759

7010 0290 0002 4842 7642

Sent To: Portfolio Recovery Assoc LLC

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 — See Reverse for Instructions

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 58-CV-2011-900757.00

IN THE CIVIL COURT OF SHELBY, ALABAMA
MARY RICE V. PORTFOLIO RECOVERY ASSOCIATES, LLC ET AL

NOTICE TO: EXPERIAN INFORMATION SOLUTIONS, INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY WESLEY L PHILLIPS

WHOSE ADDRESS IS P.O. Box 130488, Birmingham, AL 35213

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☑ Service by certified mail of this summons is initiated upon the written request of MARY RICE pursuant to the Alabama Rules of the Civil Procedure

9/19/11
~~8/14/2011 3:45:57 PM~~ — Date

/s MARY HARRIS — Clerk/Register

By: [signature]

☑ Certified mail is hereby requested

/s WESLEY L PHILLIPS — Plaintiff's/Attorney's Signature

MARY H. HARRIS 6693760

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on ______

☐ I certify that I personally delivered a copy of the Summons and

______ in ______

Date ______ Server's Signature ______

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For delivery information visit our website at www.usps.com®

OFFICIAL USE

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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D0D2
CV-11-900757

Sent To: Experian Info Solutions

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

7010 0290 0002 4842 7505

PS Form 3800, August 2006 — See Reverse for Instructions